

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 4, 2008. At the time of the Office Action, Claims 17-30 were pending in this Application. Claims 17-30 were rejected. Claims 17, 23, 29, and 30 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 17-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0028049 filed by Ernest Yiu Cheong Wan (“Wan”), and further in view of non-patent document entitled “*An Overview of the MPEG-7 Description Definition Language (DDL)*” by Jane Hunter (“Hunter”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The present invention is directed to an encoding and decoding scheme of XML-based documents. According to current document definitions as evidenced by *Hunter*, XML-based documents allow for so-called complex components. The complex type definition allows to integrate mixed elements with a variety of data types in a hierarchical structure. However, these mixed elements require a complex decoding due to their tree structure. The invention as defined in the independent claims provides for an enhanced structure that puts textual content as an element within the first hierarchical plane of a mixed element as for example shown in Fig. 4 of the originally filed application. In previous responses Applicant presented arguments that *Wan* does not teach the use of mixed elements as defined in mixed content models. The Examiner agreed that *Wan* does not expressly teach these data types but stated that *Hunter* allegedly discloses such data types and that it would be obvious for a person skilled in the art to combine the teaching of *Wan* and *Hunter*. Applicant respectfully disagrees. Combining *Wan* and *Hunter* would not provide any advantages over the teaching of *Hunter* itself because *Hunter* merely discloses the basic structure of complex types in an XML schema. Thus, *Hunter* fails to teach to separate textual content as elements having a structure code and arranging them in the first hierarchical plane of a mixed element as claimed.

Hence, Applicant believes that all claims as amended are not rendered obvious in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. Revocation and Power of Attorney is attached hereto.

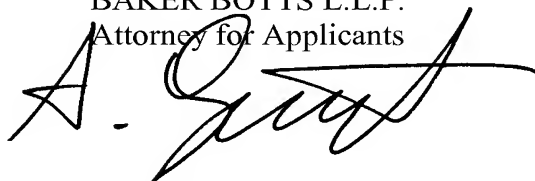
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', is written over the typed name and firm name.

Andreas Grubert
Registration No. 59,143

Date: July 3, 2008

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2545

512.322.8383 (fax)